

## REMARKS

### SECTION 102 REJECTION OF CLAIM 1

Beginning at col. 9, line 64, *Mikurak*<sup>1</sup> discusses the theory of object-oriented programming. This discussion includes a listing of the benefits of object classes (col. 11, line 57) followed by a listing of some of the limitations of programming with a library of reusable object classes (col. 12, line 14).

Among the limitations of such libraries is the fact that a programmer who uses object-oriented programming methods still has to control which objects exercise control, and in what order (i.e. flow of control).

"A program written with the aid of class libraries is still responsible for the flow of control (i.e., it must control the interactions among all the objects created from a particular library)"<sup>2</sup>

According to the Examiner, this statement teaches claim 1's

"back-end software for interacting with a subject database application."

But the cited portion merely describes what a programmer who uses class libraries will have to do to make his program work. A statement that programmers are responsible for control flow in whatever software they write hardly teaches "back-end software" that interacts with any "database application."

It is not even clear what exactly in *Mikurak* corresponds to "database application." In the interest of clarity, Applicant requests that the Examiner quote verbatim the particular text in *Mikurak* that is regarded as teaching the "database application" with which the "back-end software" interacts.

Claim 1 recites the further limitation of

"a common user-interface for controlling the interaction of the back-end software with the subject database application, the user-interface being independent of the subject database application."

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<sup>1</sup> *Mikurak*, U.S. Patent No. 6,606,744.

<sup>2</sup> *Mikurak*, col. 12, lines 20-23.

The Examiner suggests that *Mikurak* discloses this limitation as follows:

"These parties, to the extent they are allowed, can independently and securely add, delete, and/or otherwise modify the specification of load modules and methods, as well as add, delete or otherwise modify related information."<sup>3</sup>

This text merely states that certain people (i.e. "parties") are able to, independently of each other, make certain software changes (i.e., modify load modules and methods). There is no indication that doing so involves a user-interface that controls the back-end software and is independent of a database application.

Since claims 2-11 include the limitations of claim 1, those claims are allowable for at least the same reasons discussed above in connection with claim 1. Claims 12, 23, and 34 include similar limitations. Accordingly, those claims and their progeny are allowable for at least the same reasons as claim 1.

## **SECTION 102 REJECTION OF CLAIM 2**

Claim 2 includes the additional limitation that "the common user-interface comprises an API interface."

The Examiner suggests that this limitation is disclosed in the following:

"Some of the key factors contributing to the configurability intrinsic to the present invention include: (a) integration into the fundamental control environment of a broad range of electronic appliances through portable API and programming language tools that efficiently support merging of control and auditing capabilities in nearly any electronic appliance environment while maintaining overall system security."

This text suggests that certain electronic appliances have portable APIs. There is nothing to suggest that electronic applications are common user interfaces, or that the APIs of these electronic appliances are part of a common user interface for controlling the interaction of back-end software with a database application.

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<sup>3</sup> *Mikurak*, col. 89, lines 42-45.

Applicant concedes that the string "API" is in both the cited text and the claim. But a section 102 rejection requires more than demonstrating that a claim and a cited reference share one or more words in common.

#### **SECTION 102 REJECTION OF CLAIM 4**

Claim 4 includes the additional limitation that the common user-interface "comprises a command line interface."

The Examiner suggests that this limitation is disclosed in the following:

"the operating system design of each of the telecommunications devices often changes from manufacturer to manufacturer and from device to device, by using an entirely different *command structure* for each different component"<sup>4</sup>

The foregoing text merely states that different components of a system may have different "command structures." This hardly amounts to a disclosure of a command line interface, as that term is used in the computer-related arts.

Applicant concedes that the string "command" is in both the cited text and the claim. But a section 102 rejection requires more than demonstrating that a claim and a cited reference share one or more words in common.

#### **SECTION 102 REJECTION OF CLAIM 5**

Claim 5 includes the additional limitation that the "common user-interface comprises a graphical-user interface."

The Examiner suggests that this limitation is disclosed in the following:

"The development of graphical user interfaces began to turn this procedural programming arrangement inside out. These interfaces allow the user, rather than program logic, to drive the program and decide when certain actions should be performed. Today, most personal computer software accomplishes this by means of an event loop which monitors the mouse, keyboard, and other sources of external events and calls the appropriate parts of the programmer's code according to actions that the user performs."<sup>5</sup>

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<sup>4</sup> Mikurak, col. 2, lines 5-8, [emphasis supplied].

<sup>5</sup> Mikurak, col. 12, lines 60-67.

The foregoing text merely describes the historical significance of a GUI. Applicant is aware that the existence of a GUI is within the prior art. For this reason, claim 5 is not directed to a GUI generally. Instead, claim 5 merely imposes an additional limitation on the common user-interface.

Applicant concedes that the string “graphical user interface” is in both the cited text and the claim. But a section 102 rejection requires more than demonstrating that a claim and a cited reference share one or more words in common.

#### **SECTION 102 REJECTION OF CLAIM 6**

Claim 6 recites the additional limitation that the back-end software include “instructions for causing creation of a test database using a particular subject database application.”

The Examiner suggests that this limitation is disclosed in the following:

“The network creation processes provides the program management tools to ensure that the launch is successfully executed. These include entry and exit criteria for network creation, KPIs for quality management, program planning and management tool-kits”<sup>6</sup>

It is unclear what, if anything, “network creation” has to do with creating a test database. A “network” and a “database” are different.

#### **SUMMARY**

Now pending in this application are claims 1-34, of which claims 1, 12, 23, and 34 are independent.

Applicant has advanced only certain grounds for patentability of the claims. This is not intended to imply that no other grounds exist. In addition, Applicant has argued only particular claims. However, this is not intended to suggest that no additional arguments exist for those claim that are not specifically mentioned.

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<sup>6</sup> Mikurak, col. 43, lines 59-61.

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No additional fees are believed to be due in connection with the filing of this response. However, to the extent fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050.

Respectfully submitted,

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